

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

**Proposing rule making related to mandatory reporter training
and providing an opportunity for public comment**

The Board of Massage Therapy hereby proposes to amend Chapter 131, “Licensure of Massage Therapists,” and Chapter 133, “Continuing Education for Massage Therapists,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 152C.3 and 2022 Iowa Acts, House File 2168.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 152C.3, 232.69 and 235B.16 and 2022 Iowa Acts, House File 2168.

Purpose and Summary

This proposed rule making amends the Board’s rules regarding mandatory reporter training in response to 2022 Iowa Acts, House File 2168. House File 2168 provides that massage therapists who treat children or dependent adults must complete mandatory reporter training, as opposed to only those therapists who work in certain settings, and further provides that mandatory reporter training shall count toward a licensed massage therapist’s continuing education requirements. This proposed rule making updates the Board’s rules regarding mandatory reporter training to reflect these changes. Although the Board’s rules already allow massage therapists to count mandatory reporter training toward their continuing education hours, the proposed amendments update the rules to align with the specific language of House File 2168.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on November 8, 2022. Comments should be directed to:

Janelle Larson
Professional Licensure Division
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.281.4401
Fax: 515.281.3121
Email: janelle.larson@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 8, 2022
8 to 9 a.m.

Fifth Floor Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind subrule 131.8(4) and adopt the following new subrule in lieu thereof:

131.8(4) Mandatory reporter training.

a. If a licensee examines, attends, counsels, or treats children in the scope of the licensee's professional practice or employment responsibilities, the licensee shall complete training relating to the identification and reporting of child abuse every three years pursuant to Iowa Code section 232.69(3) "b." The licensee shall indicate on the renewal application completion of such training.

b. If a licensee examines, attends, counsels, or treats dependent adults in the scope of the licensee's professional practice or employment responsibilities, the licensee shall complete training relating to the identification and reporting of dependent adult abuse every three years pursuant to Iowa Code section 235B.16(5) "b." The licensee shall indicate on the renewal application completion of such training.

c. The course(s) shall be the curriculum provided by the department of health and human services.

d. The licensee shall maintain written documentation for three years after completing mandatory training, including program date(s), duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

- (1) Is engaged in active duty in the military service of this state or the United States; or
- (2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension

of time in which to fulfill the requirements due to a physical or mental disability or illness as provided by rule 645—4.14(272C).

f. The board may select licensees for audit of compliance with the requirements of this subrule.

ITEM 2. Amend subrule 133.3(2) as follows:

133.3(2) *Specific criteria.* A licensee shall obtain a minimum of 16 hours of continuing education credit every two years. A minimum of 8 hours of the 16 hours must be hands-on training. A maximum of 8 hours of the 16 hours may be independent study. Licensees may obtain continuing education hours of credit by:

a. to h. No change.

i. Completing programs which enhance a supplemental or complementary skill set directly related to promoting the public health while providing massage therapy. Content areas include, but are not limited to, CPR, first aid, ~~mandatory reporter training~~, contraindication training, sanitation, and geriatric care.

j. Completing mandatory reporter training pursuant to Iowa Code sections 232.69 and 235B.16. One hour of credit will be awarded for each hour of completed mandatory reporter training.

~~*k.*~~ *k.* Passing a board-approved national examination administered by the Federation of State Massage Therapy Boards or the National Certification Board for Therapeutic Massage Therapy and Bodywork within the biennial continuing education compliance period. A copy of the applicant's official notification may be used by the board as verification.